

HEALTH COMMITTEE

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Media Room, First Floor of the H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, New York, on May 3, 2000, at 9:30 A.M.

Members Present:

Legislator Ginny Fields - Chairperson
 Legislator Brian Foley - Vice-Chair
 Legislator Michael Caracciolo
 Legislator Joseph Caracappa
 Legislator Andrew Crecca

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
 Mary Skiber - Aide to Legislator Fields
 Linda Burkhardt - Aide to Presiding Officer Tonna
 Kim Brandeau - Legislative Budget Analyst/Budget Review Office
 Bonnie Godsman - County Executive's Office/IR
 Todd Johnson - County Executive's Office/IR
 Dr. Clare Bradley - Commissioner/SC Department of Health Services
 Richard LaValle - Chief Deputy Commissioner/SC Dept of Public Works
 Dominick Ninivaggi - Superintendent of Vector Control/DPW
 Bill Jones - Deputy Commissioner/SC Department of Social Services
 Ed Siegmann - Suffolk County East End Senior Citizen Council
 Richard Koubek - Catholic Charities
 John DiGilio - John J. Foley Skilled Nursing Facility
 Pamela Burner - Creative Ministries
 Dr. Davis Pollack - Chair/Mental Health Subcommittee of SC
 National Alliance for the Mentally Ill
 Emi Endo - Newsday
 All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:57 P.M.*)

CHAIRPERSON FIELDS:

Good morning. We're going to start our meeting and -- good morning, Andrew.

LEG. CRECCA:

Good morning.

CHAIRPERSON FIELDS:

And Legislator Crecca will lead us in the Pledge of Allegiance. Legislator Crecca?

Salutation

I guess we'll begin with asking Dr. Bradley to come up and talk about tobacco settlement money.

LEG. CARACCIOLO:

Madam Chair, before we do that, would it be possible to take one speaker who's come a long way to make a brief presentation?

CHAIRPERSON FIELDS:

Absolutely. In fact, I should have done that first.

LEG. CARACCILO:

George?

CHAIRPERSON FIELDS:

I have Edward --

MR. SIEGMANN:

Ed Siegmann.

CHAIRPERSON FIELDS:

Oh, okay.

LEG. CARACCILO:

Ed Siegmann; where did I get George from?

MR. SIEGMANN:

I'm President of the Suffolk County East End Senior Citizen Council and we're very concerned about the fact that HMO's and Managed Care is pulling out of the east end, leaving seniors with no coverage. And we believe one of the main reasons for it is that the way the Federal Government pays money to from Medicare to these HMO's that take over the Medicare coverage, in Suffolk County for each Medicare patient that's taken over by HMO's, they get paid \$158 less a month than what they get paid in Queens and in Brooklyn. And when we inquire why this is so, they tell us because it's more expensive for an HMO to operate in Queens and in Brooklyn; we don't buy that because why would these companies be pulling out of here if it was cheaper to operate here and more expensive to operate in Brooklyn and Queens? Plus the fact that out where we are on the east end, you don't have any big companies that put their entire work force into an HMO where it spreads the cost out over people from 18 years old to 65 or whatever. We have a heavy concentration of senior citizens out on the east end which makes it more expensive for the an HMO to operate due to the fact that the people who need the most coverage are senior citizens because the older you get the more help you need as far health is concerned.

(*Legislator Foley entered the meeting at (9:10 A.M.)*)

What we're asking the County representatives to do is the following. We're asking them if they would take it up with the Federal Government with a resolution, or however they want to do it, to try to have them pay the same price to an HMO out here for the coverage for a senior citizen that they pay in Queens and they pay in the rest of the area, especially Brooklyn and Queens.

What's happening, due to the fact that they get less money out here, you can take -- we'll take HIP for example. HIP used to give the people out here a \$1,000 coverage for drugs for the year, they have cut us back to \$500 instead of a thousand, but they continue the thousand dollars in Queens and in Brooklyn. Now, we don't think it's right, we're paying the same price with our Medicare, when the Federal Government takes our Medicare money out we don't pay any less than what they do in Queens and in Brooklyn. And why we should be put in a position where we only get a \$500 coverage compared to what they get the thousand dollars in Queens and Brooklyn. They also have increased the payment for people out in Suffolk County here by \$50 a month you now pay.

LEG. CARACCILO:

That's a copay, right?

MR. SIEGMANN:

That's just \$50 a month period. If you buy drugs you used to pay \$5 for a generic drug and you used to pay \$10 for other drugs, now they've increased that to 10 and 15 besides lowering the coverage to \$500 instead of \$1,000. Something has to

be done to correct this. And beside the fact that they now charge the money that they do, the \$50 a month, we're getting less coverage for that \$50 a month than we had before. I will give you a shining example. A woman with breast cancer, in order for her to get treatment for breast cancer, she has to travel into Nassau County from out on the east end. We're talking about 140 miles a day, most of them have to go for five weeks, five days a week, you're talking about over 3,000 miles to get this kind of coverage. And if that's what they force us to do on top of reducing the amount of money that they pay us and on top of increasing the price, something has to be done about it.

We have taken this up with Senator LaValle, we've taken it up with Pat Acampora, we're asking them to do something from the State level we're, asking you to do something from the County level. And I'm meeting in June with the Supervisors from the Towns of Suffolk County and we intend to ask them to do something, to cooperate to see if they can't bring about a change in there where the same money is paid, because we think if the same money is paid we will get the same coverage that they do in these other places.

CHAIRPERSON FIELDS:

We did review this last month and we also said that we were forming another committee to go after this and discuss it with the Federal people and the HCFA from Medicare and we are definitely working on it; would you like to be part of that group?

MR. SIEGMANN:

I wouldn't mind at all.

CHAIRPERSON FIELDS:

Okay. I will keep your card and we will call you when we can try to --

MR. SIEGMANN:

HCFA is the one that when we contact HCFA and ask them why there's \$158 difference, they're the ones that tell us that it costs more for them to operate in Brooklyn and Queens than it costs out here and it's just a ridiculous answer.

CHAIRPERSON FIELDS:

I agree. I've worked in the health care field for many years and I think that your questions are good questions and they do need answers that are good answers. So we are going to work on it and we will talk to you. Thank you very much.

MR. SIEGMANN:

If you put my name on that committee, just advise me when they're meeting or whatever it is and I'll be happy to be there.

CHAIRPERSON FIELDS:

Thank you very much.

MR. SIEGMANN:

Thank you.

LEG. CARACCILO:

Ed, before you go. Knowing you as I have now almost 10 years and how tenacious you are when it comes to senior issues, and rightfully so, you fail to mention any discussion with Federal representatives; I mean, after all, these programs are Federal programs. To what extent have you had conversations with Congressman Forbes and with our U.S. Senator?

MR. SIEGMANN:

We have met with Congressman Forbes about this, he tells us he will see what he can do from his end. We have discussed it with Schumer's Office and we have discussed it with Moynihan's Office and, I don't know, I just get the feeling -- they say they'll help, but I just don't get the feeling that they are behind it the way they should be in reference to the problems that the seniors have. You know, I listen to radio programs or TV programs that say they're going to come up with ways

that we can live to 150 years old; well, if they can't take care of us at the age of 75 or 80, how the hell are they going to take care of us when we're 150 years old?

LEG. CARACCILO:

How recently have you had those conversations with them and have any of them gotten back to you? Because I can tell you, I share with others frustration with dealing with Federal officials, they are very slow to respond even to other elected officials' request for information, for assistance on matters like this and others. So I'm just curious if you and your organization have had any more success.

MR. SIEGMANN:

When we contacted Moynihan, that was the first where we learned, he wrote back to us to tell us how in 1997 the Federal Government cut back I think it was \$115 billion over a period of five years on Medicare; we knew nothing about that until he pointed that out to us. So to that extent, he was a help where we could argue this when we sit down with other people and have to talk about it.

With Forbes, we only have been in touch with him now about six weeks ago we had a meeting with him about it, and he hasn't gotten back to us yet. If we don't hear from him soon, we'll be reaching out for him again and say, "What gives", you know.

LEG. CARACCILO:

Could you share with the members of this committee and the Legislature any correspondence you have had with Federal officials --

MR. SIEGMANN:

Sure.

LEG. CARACCILO:

-- so that we can include that in our file?

MR. SIEGMANN:

Sure.

LEG. CARACCILO:

That would be helpful. Thank you.

MR. SIEGMANN:

I will forward it to your office.

LEG. CARACCILO:

Great. Thank you very much, Ed.

MR. SIEGMANN:

You're welcome.

CHAIRPERSON FIELDS:

We have another public speaker, Pamela Burner.

MS. BURNER:

I would like to address the issue of smoking and minors. My name is Pamela and I'm an addict. I started smoking when I was 16 years old because I wanted to be one of the crowd, I wanted to belong, and I lived in a world that said it was cool to smoke. And I want to tell you a little bit about how I see the world today.

Take a look at me. I'm dying. Each day I wake up in pain, my mind craves a cigarette and my mind pleads, "Please don't light that cigarette. Feel what it is doing to your lungs." I breathe in, the pain is not that bad; I am scared. I light a cigarette. I lost the battle again today.

What is addiction? It is a behavior or an action that has control over you. Why does the cigarette have such control over my life; why can't I just stop? I found out that it's because of the addictive substances that have been added to the tobacco. Isn't this a crime? The answer is yes. People are making money on me. I see myself as a pawn. I see my life as having no consequence when it comes to the fact that big money is made of suffering people like me.

Our children are in danger from the cigarette, their young lives are at stake, we as adults must do all that we can to protect them. We give them mixed messages; we legally sell a drug that can kill and we ask for respect as adults. Don't you think our children see the double standards in our society? Don't you hear them crying out by their actions? They are getting louder. And they will only stop when we as a society listen and truly care for them. Caring sometimes calls for us to say no as parents. As a society we must say, "No, you may not begin to smoke. You are precious, we love you and we will do anything to ensure that you are safe."

With all the breath that is left in me, I will continue to give this message so that one more child will not wake up to face addiction like I do. We must start now or our children will pay the price. Please listen. Please help us take a tough stand for our children's sake.

CHAIRPERSON FIELDS:

Thank you. Thank you very much. Dr. Bradley? We wanted to discuss the tobacco settlement money this morning.

COMMISSIONER BRADLEY:

Okay.

CHAIRPERSON FIELDS:

Finally it's on the agenda.

COMMISSIONER BRADLEY:

Would you like me to give a brief presentation in terms of what our plans are? Because I did give a larger presentation and I know Legislator Foley and yourself were there, so I'll give a brief --

CHAIRPERSON FIELDS:

Yes, thank you.

COMMISSIONER BRADLEY:

-- of what we're planning. In terms of smoking, tobacco use is the largest preventable factor affecting health. The most important thing that health agencies can do is keep people from starting to smoke and helping them to stop smoke if they are currently smoking.

If you look at lung cancer and heart disease mortality in Suffolk County, we rank very high relative to other comparable counties within New York State and across the country, so we have a particular problem here. Most lung cancer is due to smoking and tobacco use is a large risk factor for Coronary Artery Disease.

One of the main emphasis of our Tobacco Control Program that is proposed is at our youth and trying to get the youth not to start this addiction. If you go to most adults who smoke, over 80% of them started as minors, so if you can keep kids from starting to smoke hopefully it will be effective in decreasing those who actually maintain this habit of tobacco use. About 16 youth in Suffolk County start smoking every day. So the three overriding goals of our program are to prevent initiation of tobacco use, decrease exposure to secondhand smoke -- secondhand smoke is harmful to adults, to children who are exposed and also to the fetus of a pregnant woman who smokes -- and very importantly, to help those people who are addicted to tobacco to stop and to break that addiction. It is a very addictive drug, it's more addictive than heroin, more

addictive than cocaine. People need a lot of help, they need multiple attempts to try to stop; most people are not successful with the first attempt.

So if you break our program down, there are four -- three or four main sections. Prevention education is a main part, it's school and community based. We need to help kids, we need to teach them why they don't want to use tobacco. They're very impressionable, they see their friends smoke, we need to be into the schools starting at a very young age, you can't wait until middle school, you can't till high school. The increase in smoking, the greatest increase is between fifth and sixth grade, so we have to start in elementary school. We also are planning to do it through the communities, through Boy Scouts, Girl Scouts, YMCA's; we need to be out there where kids are. These type of programs have been successful in other states in decreasing initiation of tobacco use.

We have been meeting with the school districts to develop a plan in terms of a school based education program. And what we have found is that all of the districts are at different levels and each school within an individual district is at a different level. So what we're proposing is to develop a menu of successful programs and fit them into the different school districts. Some districts have said they want us to come in and give the program because they have such high teacher turnover from year to year. Others have said, "No, we want you to train our teachers so that it can be a constant refresher of these issues with the students." So there's no one program that's going to work for all the districts, so the program is going to have to fit the district.

We are going to be offering cessation to anyone who wants to come forward to our programs. We have developed a flyer which is going to be distributed to all medical providers in Suffolk County that they will give to their smoking patients offering free smoking cessation to be run by the Health Department. We will go anywhere to do this; we will go into communities, we'll go to libraries, we can do it at our offices. Many communities have called and said, "We'd love to have this program but we have no place in our community." We're going to be having a Mobile Education Center that we'll be able to provide these services. It will also, besides providing cessation, it can go to health fairs, it can go to health centers, it can go anywhere to get information out about tobacco.

Public education and information is going to be another large part of the program. The tobacco industry spends billions of dollars marketing their wears and we have to do counter marketing. We have to be out there. Joe Camel was very successful in increasing initiation of tobacco use by kids and we just have to do the reverse, we have to be out there saying the exact opposite. We're going to be doing our public education and information through multiple media, local TV, local radio, the Internet, wherever we need to get to kids, wherever they are we need to get to them. We have already started doing some types of advertising in movie theatres stressing three points. One, "If you want smoking cessation, please call". Another is, "It is your law to have smoke-free work places and restaurants and if there are violators, please let us know". And also something about secondhand smoke with a child saying, "They always leave the butts for me", and we're really trying to reinforce that to smoking adults, that they should not -- I mean, they shouldn't smoke themselves, but they should not smoke around their children, they shouldn't smoke in the cars, they shouldn't smoke in their homes around children. Children who are exposed to secondhand smoke have increased rates of asthma, exacerbation of asthma, middle ear infections, pneumonia, and on and on and on. It's very important, we need to get that word out.

And then enforcement. The department has always done enforcement in terms of tobacco. We do stings with vendors and we want to make sure that vendors are not illegally selling tobacco products to minors. But there are many problems with the law as it exists. About 20% of tobacco vendors in Suffolk County are not licensed by the State; we have told the State that, we haven't gotten any action in terms of that. We are proposing through the Board of Health, and there have been other local intentions in this regard, to have a Suffolk County permit for tobacco vendors in addition to the State permit. Because we find all these people that are selling and they don't even have a license that could be taken away; I mean, they're selling tobacco, they're not supposed to be. In addition, there are people who are licensed to sell tobacco by the State, we find that they are selling to minors. Sometimes they get their license taken away when we plea to the State, some of them get it right back either through reincorporation or just by reapplying they get their license right back. We want to have a local permit in place so that we can stop that, so that those people who are violating the law are not violating the law anymore.

That's the main -- the main parts of our program. We have hired about five to ten staff already. We have prepared an RFP to do a survey within the schools. Because to go forward we need a better understanding of kids' beliefs about tobacco, their practices in terms of tobacco, if their parents smoke. Reaching through the parents is also going to be very important, they're major role models for kids, they see their parents smoke, they listen to what their parents say. So we're going to use that way to get to kids as well. So we have that RFP out there to do a survey within the school districts. We have -- the Mobile Education van is under order to be purchased, it should be ready at the end of the year. We have hired Health Educators to do smoking cessation.

We are going to be putting out an RFP for the Public Information and Education Campaign. We can go out and buy spots on Channel 55 and other ways, but if we could get somebody who does that on a regular basis and who purchases that airtime cheaper, then we're going to pursue that mode as well. And we don't advertise on a regular basis, that's not something the Health Department has, so we would like to get an expert to help us do some of that, and right now we're in the planning process of that RFP. Did you have a question?

CHAIRPERSON FIELDS:

Are you finished?

COMMISSIONER BRADLEY:

Pretty much.

CHAIRPERSON FIELDS:

Just one question. How much money was allocated out of the tobacco settlement money for the purpose of education, prevention, enforcement?

COMMISSIONER BRADLEY:

The whole thing?

CHAIRPERSON FIELDS:

The whole thing.

COMMISSIONER BRADLEY:

It was 20% of the tobacco settlement which turned out to be six million.

CHAIRPERSON FIELDS:

How much are we spending?

COMMISSIONER BRADLEY:

How much will we spend for --

CHAIRPERSON FIELDS:

This year.

COMMISSIONER BRADLEY:

Probably -- if we continue the way we are now, probably about 60% of that money. Because a lot of the cost associated are start up costs and the biggest part of this was the school based program which required more planning than I anticipated in terms of getting the programs into the schools. So that program probably will not start until 2001; we're doing the survey now and we're doing the planning with the schools now. So my estimate is about 60% of the money.

CHAIRPERSON FIELDS:

Do you have a figure?

COMMISSIONER BRADLEY:

Well, 60% of 6,000 is about 3,500, between 300 -- 3,500 -- 3.5 million and four million.

CHAIRPERSON FIELDS:

Legislator Foley first, then Legislator Caracciolo.

LEG. FOLEY:

Thank you, Madam Chair. Commissioner, you mentioned a few of the places where the smoking cessation programs will take place. Could you just expand on how in the health centers you're notifying all of the people who are walking through the doors that there is a smoking cessation program that they can take part in?

COMMISSIONER BRADLEY:

Well, we're doing it through the providers and having the doctors or the nurses talk to the patients, knowing -- they would be the ones knowing whether the person is a smoker. And this is what we're going to be handing out, "For My Patient," and we want the providers to really try to enlist the patient that this is something that they need to do for their health, that they need to try to stop smoking. We're not doing it to everyone that walks in the door, we really want to target it to those who are smoking. Our pediatricians talk to parents about smoking around their kids, our obstetricians are working with our prenatal patients who are smoking.

LEG. FOLEY:

Let's put it this way. When I've in the health centers, there are different kinds of notices on the boards, there's different kinds of public information that's posted. Why can't we post in a very accessible area some signs and information about, "Ask your doctor about a smoking cessation"; not to wait for the doctor to make the point but for the client to ask the question.

COMMISSIONER BRADLEY:

We have brochures, but we can do the posters as well.

LEG. FOLEY:

I think so, I think that would be very helpful.

COMMISSIONER BRADLEY:

Yeah, okay.

LEG. FOLEY:

Secondly, the Chair had asked the question about how much money would be expended this year, you said three and a half million give or take. What will happen with the remainder of the money that we had appropriated for this year, the other two and a half million; does that go into a reserve account, does that just free float, or are those monies in a locked box that can be used exclusively for tobacco programs?

COMMISSIONER BRADLEY:

Well, some of the money is in my budget, the staffing money. The other part was in a separate fund.

LEG. FOLEY:

Right.

COMMISSIONER BRADLEY:

So I really can't answer that question.

LEG. FOLEY:

That's okay. We'll get someone from Budget Review, unless Counsel, Paul, could you lend some light on this fact? If --

MR. SABATINO:

What had happened was the portion that was attributable to the advertising campaign was put into a separate account just so that the Legislature would have to appropriate the money when there was a plan in place that the Legislature felt

comfortable with.

LEG. FOLEY:

Okay.

MR. SABATINO:

I don't remember if that's four million or two million out of the total, that's the part I don't remember. There was some portion of six million, I think it was four.

COMMISSIONER BRADLEY:

It's four, yeah.

MR. SABATINO:

Okay, it was four million. So once there's a plan in place that the Legislature is comfortable with, that would then be allocated for the implementation of that plan.

LEG. FOLEY:

Do you expect that the monies that are allocated for positions, will all those positions be filled this year for tobacco related --

COMMISSIONER BRADLEY:

They will be hired.

LEG. FOLEY:

They will be hired this year?

COMMISSIONER BRADLEY:

But especially with the problems we're having hiring, they won't be filled for as long as we anticipated they would be filled. I mean, we're not hiring people as quickly as we would have liked and that's everywhere. But we've hired five, closer to ten, people to work specifically on tobacco control that are starting right around now, some of them have started --

LEG. FOLEY:

Halfway through the year, okay.

COMMISSIONER BRADLEY:

-- and some of them will be starting over the next couple of weeks.

LEG. FOLEY:

Okay.

COMMISSIONER BRADLEY:

And interestingly, most of them are coming from other areas of the department, and then we're going to have to backfill those people.

LEG. FOLEY:

Okay, all right. That's all. Thank you, Commissioner. Thank you, Madam Chair.

LEG. CARACCILO:

Thank you, Madam Chair. Good morning, Commissioner.

COMMISSIONER BRADLEY:

Good morning.

LEG. CARACCILO:

Several questions that your presentation brings to mind. Under the Federal or State settlements, was there any money specifically earmarked for an anti-smoking campaign?

COMMISSIONER BRADLEY:

Well, in New York State half of the money goes to the counties, half goes to the State.

LEG. CARACCILO:

And then it's up to the State and local governments to determine how that money --

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

-- will be spent, okay.

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

So there was nothing within the agreements or the settlement that earmarked funds for specific anti-smoking advertising.

COMMISSIONER BRADLEY:

I know for the County it was no, but I think Paul --

MR. SABATINO:

Let me just jump in because that's really more of a legal question. The national settlement set aside several billion dollars for advertising at the Federal level. The first billion dollars worth of advertising contracts were awarded right around the end of October, beginning of November of last year. So what you're seeing on the national campaign, you know, which is on television, magazines, whatever, is a portion -- is the first billion dollars of the national settlement. The Commissioner is correct in terms of the balance of the money is flowing to the states, then it flows down to the County with no string attached in terms of you must do advertising or you must do public health or whatever. You are free to do whatever you wish, some states are using it for debt reduction, some states are doing public health, some states are doing tax relief. But there's no component that passes along to the State or the counties which say you must, the only obligation right now is at the national level.

LEG. CARACCILO:

And again, as part of the national or State settlements, were there embodied within those agreements a prohibition in terms of the tobacco industry continue to advertise smoking products, or are they --

COMMISSIONER BRADLEY:

They can't do billboards, but they can still market. I mean, the billboards were outlawed several months ago so you don't see the big billboards on the roads anymore, but they can still do marketing.

MR. SABATINO:

What happened -- I mean, just --

COMMISSIONER BRADLEY:

Go ahead.

MR. SABATINO:

They have to go black and white, I think, instead of color advertisements in the magazines, and I think with the sponsorships for certain sporting or entertainment events were restricted.

COMMISSIONER BRADLEY:

Right.

MR. SABATINO:

But they're still -- they're free to advertise within an hour envelope than they previously had.

LEG. CARACCILO:

Okay. So --

COMMISSIONER BRADLEY:

They're still out there.

LEG. CARACCILO:

-- that answers the question, they still have the ability to advertise.

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

Okay. How do we address the speaker, the previous speaker's concern about as a teenager, the peer pressure she felt, and obviously children all the time feel? And now you're saying, Commissioner, it's all the way down to the fifth and sixth grade level where this peer pressure is so prevalent that it induces youngsters to smoke. It's not just the example that parents or adults in general are said and it's not just advertising campaigns, I mean, all of those things obviously contribute.

COMMISSIONER BRADLEY:

Right.

LEG. CARACCILO:

But it's the peer pressure. I mean, how do we as a society address that concern?

COMMISSIONER BRADLEY:

Right. Well, the best way is through education. But there are a couple of things that we have that have been successful in other areas. One is using the Public Information and Education Campaign and letting kids know, as our speaker said, that they're being used by the tobacco industry for the tobacco industry's profit. That their smoking is being shown how glamorous it is to them, they're smoking, the tobacco industry is making money and their health down the road is in jeopardy; that has been successful in Florida in keeping adolescents from starting.

The other thing that we're going to be using is peer educators, and we do that with HIV in the schools. You know, we identify people in the schools to kind of be spokespeople, spokeswoman, spokesman, for the disease. Some people tell us it's going to be a little harder for tobacco than it was for AIDS, but that's something that's been very successful with AIDS and we're going to use it with tobacco as well. I mean, there are some kids that are very adamant about not smoking and we want to kind of capitalize them and use them to get the word out to their peers; because they listen to each other, they don't necessarily listen to us. And we're going to be using kids through focus groups to help develop our program. Because we can develop a program that we think is wonderful and maybe it will keep someone our age from wanting to smoke, but it's got to be a different message to get to kids.

LEG. CARACCILO:

Well said. In terms of model programs -- I am sure you have looked at, you have conferred with other municipalities, other agencies -- is there a model program that our program will be modeled after, are we supplementing a successful model program, and what kind of success rates have the better programs met?

COMMISSIONER BRADLEY:

Well, Florida is probably the best well known.

LEG. CARACCILO:

Florida, the State program?

COMMISSIONER BRADLEY:

The State, and it was at a State level, not at a County level. They had almost a 50% decrease in initiation of tobacco with what they call the media campaign, getting to kids. Mainly with that message it's tobacco industries using you, why are you letting them do that to you; you know, kids don't want to be used by anybody. And other media, other information, that was effective. Massachusetts has also been effective. And many of the things that they're using are the same; I mean, there's a lot out there in terms of what to use. We're not going to reduplicate that if there's stuff out there and there is and we're starting to use it. So we're conversing with them, we're getting their ideas. Ours may be a little different, Long Island is a little different than Florida, so we're going to have to tailor it to our culture here on Long Island.

LEG. CARACCILO:

Okay. Are you comfortable that the amount of money and funds that have been earmarked for this purpose are sufficient for an initial program, and then what would you anticipate in the future?

COMMISSIONER BRADLEY:

Well, 20% was wonderful, when I heard that it was going to be 20%, that that was what was agreed upon. We're having problems the first year spending that just because so much is start up. I mean, the van we're going to get it probably in the fourth quarter, the RFP's that we're putting out for different services were in that process which is a lengthy process. So we're not going to be able to spend the money the first year, but by the second and third year we should be in full swing with most of the programs. And I would think that the six million or 20% would be adequate, but I don't know. I'm going to have to wait and see what happens because the big question mark is mainly the schools and what we can work into the schools. Maybe we'll find that they want more and more and more, and that really is the best place to put the money. But I really don't know right now, we're still in the early phases of that.

LEG. CARACCILO:

The \$6 million figure that has been mentioned, is that a year 2000 figure --

COMMISSIONER BRADLEY:

Yes.

LEG. CARACCILO:

-- or is that an annual allocation on an ongoing basis?

LEG. FOLEY:

Yes.

COMMISSIONER BRADLEY:

That was the 2000, and I think the intent going forward was 20% of the tobacco settlement money.

LEG. CARACCILO:

So on an annual basis, at least 20% would be earmarked.

COMMISSIONER BRADLEY:

That's my understanding, yeah.

LEG. CARACCILO:

Okay, for these cessation programs. Okay. I want to pick up on something you said regarding local permits and the issuance on the county's authority to issue a local permit; does that require any legislation, either here or at the State level?

COMMISSIONER BRADLEY:

The Board of Health -- it could be either done at the Board of Health level or at the Legislature. And we have been discussing this at the Board of Health and we have a proposal ready and we plan to go forward. We're very frustrated with the fact that this is enforced at the State level. There's a 7-Eleven down from a very large high school which has lost their license and they plead to us, you know, they're losing business, the school is right down the road, they can't sell their tobacco products. Well, hello? We don't want you to sell to those high school kids when they come down. They got their license back, and they legally got it back from the State. So we want to have a local permit so we can go in and stop them; right now we can't, all we can do is relay the information to the State.

LEG. CARACCILO:

Okay. And when would you hope to have this local permit in place?

COMMISSIONER BRADLEY:

I would like to present it to the Board of Health in May and we'll have to have a public hearing, and I'm sure the vendors will all come in and we'll listen, probably by the -- maybe to start with the third quarter, third or fourth quarter of 2001. We have it all done.

LEG. FOLEY:

2000.

COMMISSIONER BRADLEY:

What did I say? No, 2000.

LEG. CARACCILO:

Okay. In terms of the Indian Reservations, how do we deal with that issue? Because one of them is located in a very heavily populated area in Southeast Brookhaven, as you know.

COMMISSIONER BRADLEY:

Right.

LEG. CARACCILO:

Mastic/Shirley. How do we attack that?

COMMISSIONER BRADLEY:

I think you have to do it through the education of kids that they don't want to smoke. I mean, I don't know what I can do by the fact that they can buy them cheaper in the Indian Reservation. I mean, that's why we've got to get to kids, so that they don't want to have to go there. We raised the price through the State so that it's harder for kids, and that's a deterrent for kids when the price of tobacco goes up. Now, I don't know that they in terms of kids are accessing the Indian Reservations for tobacco, I don't know that.

LEG. CARACCILO:

Okay.

COMMISSIONER BRADLEY:

I know there are other people that are, I don't know if kids specifically are.

LEG. CARACCILO:

Counsel, are there any local municipalities, cities, counties in the State that have received authority, or could we request authority from the State to tax cigarettes and smoking products?

MR. SABATINO:

You mean to have direct local taxing authority? No.

LEG. CARACCILOLO:

Have a local tax on --

MR. SABATINO:

No, that hasn't happened in the State of New York; to my knowledge, it hasn't happened in the country. The taxes -- only because it's a major source of revenue and I think the states like to hang on to that source of revenue.

LEG. CARACCILOLO:

Well, I guess where I'm going with this question is could we level our own, you know, Suffolk County tobacco tax?

MR. SABATINO:

A tobacco tax would require enabling State legislation.

LEG. CARACCILOLO:

Okay. I would like you to draft a Home Rule Message or, whatever it may be, for Suffolk County to do that and let's do some research as to what we feel would be a reasonable amount and measure, and then let's go to our State lawmakers and let them step up to the plate to deal with this issue. This is a national/international problem, not just a local problem. And I think if we're going to be serious about it, the settlement monies are one thing but, you know, let's take some of that tobacco money that we might get from a tobacco tax and really go out there and do these programs full forced and wide based to really make an impact.

LEG. CARACAPPA:

I'll cosponsor that Home Rule. Paul, add me as cosponsor to that Home Rule.

CHAIRPERSON FIELDS:

All of us, I think, right.

LEG. CRECCA:

Yeah, I will go on that too.

CHAIRPERSON FIELDS:

Legislator Foley.

LEG. FOLEY:

Thank you. Just as a follow up, Commissioner. First a point to Legislator Caracciolo. When the Commissioner gave her presentation to these different school districts held in this room sometime ago, one of the points that I had raised, along with Legislator Fields, is the fact that we consider the \$6 million level, let's say, the bottom line. And it's our hope and expectation that as years go on that we're going to see a greater percentage of the settlement monies being utilized solely and exclusively for anti-tobacco purposes, whether it's education, prevention and cessation. So many of us look at --

CHAIRPERSON FIELDS:

Enforcement.

LEG. FOLEY:

And enforcement. So many of us look at this as just the bottom amount and over time we will have more monies allocated to match the other forces that are out there trying to convince our kids to smoke.

Just as one follow up, Commissioner. I'm not aware of what the Federal franchise agreements or responsibilities are for cable companies and radio companies through the FCC, but I think you would want either your consultant or someone on your staff to look into whether or not FCC would require these franchises, cable franchises and radio franchises, to give public entities, governments, some kind of discount for Public Service Announcements that are made not just at three o'clock in the morning but during the daytime. Number one, to look into that to see whether or not there is that kind of requirement; if there is not, come back to us with that information. Because then what we would do is through this

committee and through our own ways, to challenge the Federal Government and the Federal Legislators, be they Senators or Congressmen, to require the FCC to then require this of the cable franchise owners. To give local governments that have messages to benefit the public, to give them air time at discounted rates. So that will be another arrow in the quiver for this battle. Okay? Thank you.

COMMISSIONER BRADLEY:

Sure.

CHAIRPERSON FIELDS:

Dr. Bradley, is any tobacco money directed at lung cancer?

COMMISSIONER BRADLEY:

What do you mean by lung cancer?

CHAIRPERSON FIELDS:

Research or --

COMMISSIONER BRADLEY:

From the County level?

CHAIRPERSON FIELDS:

From us.

COMMISSIONER BRADLEY:

No; it's prevention of lung cancer, but not specific to treatment of lung cancer.

CHAIRPERSON FIELDS:

The other comment -- I guess I had a couple of different comments. You mentioned that you were only going to speak to smokers in the Health Department facilities, and I think Legislator Foley said that he thought it would be better to put some posters maybe around or some signage, but I think we should go beyond that. And actually, in my mind, as we have been discussing this, I think that perhaps we could hire an advertising agency.

COMMISSIONER BRADLEY:

That's what we're doing, that's what the RFP is for.

CHAIRPERSON FIELDS:

Okay. And how long does that take to put into place?

COMMISSIONER BRADLEY:

The draft is ready and we're finalizing it with Purchasing now to get it advertised.

CHAIRPERSON FIELDS:

How long does it take, though?

COMMISSIONER BRADLEY:

It should take -- well, we've got a bunch of RFP's over in Purchasing right now. Probably will be advertised within a week, then you have to -- you normally have a bidder's conference which is about four weeks later, then you give them about two to three months to respond, then you have to evaluate. So it's a length -- our RFP process is a lengthy process. And when you said I was only advertising through the Health Centers, I'm working --

CHAIRPERSON FIELDS:

Not advertising, you were suggesting that you were going to have doctors and nurses talk directly to smokers.

COMMISSIONER BRADLEY:

Well, we're doing it with all providers, not just in the health centers. We're going to be reaching out to all providers.

CHAIRPERSON FIELDS:

No. What I was saying is that it's not just the smokers who we have a problem with, it's the people who are maybe not considering smoking today but might consider it tomorrow, and those who aren't smokers in the room with the doctor or the nurse but have someone at home, you know, that if they see something on a wall that's a good advertisement that hits home, they can bring that information back home and share it with someone else, not just that you're only targeting a smoker, you know, that's in some cases too late. My suggestion I think was, you know, you need to -- education is for everyone.

COMMISSIONER BRADLEY:

Right. But when I talked about that, that was cessation. That was the cessation part of the program, not the general public education part of it.

CHAIRPERSON FIELDS:

Okay. But what I'm saying is that we should perhaps have posters that offer -- big, bright posters that are two feet by three feet at least --

COMMISSIONER BRADLEY:

Right.

CHAIRPERSON FIELDS:

-- saying, "We offer free cessation program."

LEG. FOLEY:

This color.

COMMISSIONER BRADLEY:

And that's something that we've done already. But that's why we're putting out for an advertising agent, because we're not the best at doing that.

CHAIRPERSON FIELDS:

Right, I know.

COMMISSIONER BRADLEY:

That's why we're going to get an expert to help us.

CHAIRPERSON FIELDS:

And the second portion --

LEG. FOLEY:

Some of us do know how to run campaigns, though, so you know --

CHAIRPERSON FIELDS:

Right. And the second portion would be, you know, a huge poster that would be extremely catchy on preventing people, not just say no, something that really might get their attention. And the only other comment I had was that I don't necessarily agree that we need to just get to the parents because kids listen to their parents. I think what we have is an example of kids that absolutely are not listening to their parents, for the most part, 90 -- I would probably say a huge, huge portion are not listening to their parents at all. So I think we definitely need to go beyond that and --

COMMISSIONER BRADLEY:

Well, I didn't think I said we only had to get to the parents, I said we had to have them. And actually, the schools have said to me, "You have to engage the parents or you're not going to be successful."

CHAIRPERSON FIELDS:

Right.

COMMISSIONER BRADLEY:

They've said that loud and clear to me. So it's one of multiple groups that we have to get to.

CHAIRPERSON FIELDS:

All right. The only other question I have is what do you propose to do? I mean, we have all these things in place, we've got a law that says we cannot smoke in restaurants and public buildings and buses, we have advertising on billboards being illegal and some campaigns and newspapers and TV's, you know, that they're not allowed to advertise. We have Surgeon General's warnings on cigarette packs and information that's out there telling people not to smoke, we have laws that prevent cigarettes from being in front of the counter where people have to ask for it behind the counter, and we have laws that ban vendors from selling. But if -- and this happened last week and it happens every single day -- somebody is standing in front of 7-Eleven, between 12 and 14, older kid goes in, old enough to purchase cigarettes, comes out, hands her her change and her pack of cigarettes, she opens up the cigarettes and she begins to smoke, blatantly because she's saying to us, "Okay, you've given me all these anti-smoking laws and making it illegal for me to purchase, but here I am and I'm going to smoke and I'm 12, I'm 13, I'm 14, I'm anywhere under 18 and I'm making this decision"; how do we stop that?

COMMISSIONER BRADLEY:

You have to educate the kids, we have to get to the kids. And everything that we're proposing hasn't started, so it's not as if we have a plan in place that has failed. That's why we're proposing doing the school based education, the community based education, increasing enforcement, educating parents about their kids. I have parents who give tobacco products to kids; am I going to go into their homes and tell them I'm going to ticket them and say, "You can't give those cigarettes to your kids"? I can't do that. It's got to be through education, we have to educate the youth.

CHAIRPERSON FIELDS:

What about the kids that know, you know, that it's a bad thing to do and they may die, we have educated them?

COMMISSIONER BRADLEY:

And I'm not going to prevent everyone from smoking. But I'm looking at all of the kids and -- education works, it's worked in other arenas, it's worked in HIV, it has decreased the rate of acquisition of HIV. That's the way we want to approach this problem, is through education. They have been marketed by the tobacco industry, they see their parents smoking, they see other people smoking, we have to do the counter marketing with kids and we have to start at a very young age. We can't wait until middle school and high school, we have to start in Kindergarten with kids; we haven't done that yet, that's what this program is.

CHAIRPERSON FIELDS:

And I agree, education is very important. But I think -- you obviously know the point I'm making.

COMMISSIONER BRADLEY:

Uh-huh.

CHAIRPERSON FIELDS:

But I also would like to point out that years ago we told people that if they wore seat belts they would prevent serious injury and perhaps death, and we educated everyone. You know, they saw the dummies going through crash tests and what that would do to their bodies, and yet that education didn't work. But what I think does work is making a law that says it is illegal to go in a car without using a seat belt and, as we'll talk about in a little while, making it illegal for kids to possess the tobacco. Okay. Does anybody have any others questions?

LEG. CARACCILO:

Just one quick -- it's not really -- well, it is an inquiry. This article from JAMA, is this something the Chair has provided

us?

CHAIRPERSON FIELDS:

Yes.

LEG. CARACCILO:

Okay. I notice Woodbridge, Illinois, where this action was taken, enforcement action against cigarette smoking among teens, took place back in the early 90's.

CHAIRPERSON FIELDS:

Ninety-one.

LEG. CARACCILO:

Ninety-one. Has there been any follow up studies to see how well -- is this program still in effect and is it still working?

CHAIRPERSON FIELDS:

We spoke to the people in Woodridge, Illinois, they -- do you remember his name?

MS. SKIBER:

Sergeant Crepka?

CHAIRPERSON FIELDS:

Right, Sergeant Crepka, and he said that the law, when it took effect in 1991, has decreased -- the law meaning that it is illegal for anyone under 18 to possess cigarettes -- has decreased their smoking by 50%, and it works. And he said he would be amazed to hear that anyone would be against that law.

LEG. CARACCILO:

Okay.

CHAIRPERSON FIELDS:

It worked beautifully in Woodridge.

LEG. CARACCILO:

Because this article indicated back then, after an 18 month period I believe it was, that was the success rate, and that apparently has been maintained throughout the entire decade; wow, that's quite phenomenal.

COMMISSIONER BRADLEY:

I haven't seen that article.

LEG. CARACCILO:

Okay.

CHAIRPERSON FIELDS:

I will give you a copy.

COMMISSIONER BRADLEY:

Because my understanding is that there has been no possession law that has been effective in keeping kids from smoking, so I --

CHAIRPERSON FIELDS:

That's the Journal of the American Medical Association and it's --

LEG. CARACCILO:

She's very familiar with that.

COMMISSIONER BRADLEY:

Okay.

LEG. CRECCA:

Madam Chair?

CHAIRPERSON FIELDS:

For the record.

LEG. CRECCA:

I just wanted to ask you, do you want us -- I had some questions for the Commissioner on that bill, should I ask them now or do you want to wait until we get to that on the agenda?

CHAIRPERSON FIELDS:

Let's wait till we get it and let's start the agenda.

LEG. CRECCA:

That's fine, yeah.

CHAIRPERSON FIELDS:

Unless anybody has any other questions.

LEG. FOLEY:

No.

CHAIRPERSON FIELDS:

Okay, thanks. You have another question?

MS. BURNER:

I just wanted to give a recommendation that --

CHAIRPERSON FIELDS:

You have to use the microphone right up to your --

LEG. FOLEY:

State your name again for the record, if you would.

MS. BURNER:

My name is --

CHAIRPERSON FIELDS:

That microphone may not be working, maybe Dr. Bradley -- thanks, Dr. Bradley.

MS. BURNER:

My name is Pamela Burner. I would like to make a recommendation with doing the education. Is that in the prisons we find a lot of people with low self-esteem, okay, we find a lot of young people. And I'm asking that this program to be able to go into our programs in the prisons.

LEG. FOLEY:

Excellent point.

CHAIRPERSON FIELDS:

Okay. Thank you.

CHAIRPERSON FIELDS:

Mary, could you ask Legislator Caracappa to join us?

Tabled Resolutions

1081-00 (P) - Adopting Local Law No. 2000, a Local Law to establish Animal Rights Advocacy Policy (Fisher).

LEG. CARACAPPA:

Motion to table.

CHAIRPERSON FIELDS:

We have a motion by Legislator Caracappa. Second?

LEG. FOLEY:

I'll second the motion.

CHAIRPERSON FIELDS:

Legislator Foley. All in favor? Opposed? **Tabled (Vote: 5-0-0-0).**

1148-00 - Initiating Affordable Health Insurance Program for Long Island Small Businesses (Levy).

LEG. FOLEY:

Motion to defer to prime.

CHAIRPERSON FIELDS:

Do we have a second?

LEG. CARACAPPA:

Second.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? **Motion to defer (Vote: 5-0-0-0).**

1357-00 (P) - Adopting Local Law No. 2000, a Local Law to prohibit sale or distribution of herbal cigarettes to minors within Suffolk County (Cooper).

LEG. FOLEY:

Motion to approve.

LEG. CARACCILO:

Is this a public hearing?

CHAIRPERSON FIELDS:

We had the public hearing, I believe.

LEG. CARACCILO:

Okay. The public hearing was closed, right?

LEG. CRECCA:

Was there -- was the sponsor -- after the public hearing I thought there were going to be a couple of minor amendments to it; Counsel?

MR. SABATINO:

Well, first of all, yes, the public hearing was closed. And yes, there was a corrected copy which extended the current provisions about restricting advertising or location of tobacco products behind counters to also include the herbal cigarettes.

LEG. FOLEY:

And that's been filed in a timely manner?

LEG. CRECCA:

The amended copies.

LEG. FOLEY:

Huh?

LEG. CRECCA:

You mean the amended version?

LEG. FOLEY:

Paul, is the -- is it pursuant to the seven day rule, was the amendment submitted in time that we can consider the bill?

MR. SABATINO:

I'm just checking. April 25th, it was done in a timely fashion.

LEG. FOLEY:

Okay. So motion to approve, Madam chair.

LEG. CRECCA:

I just have a question for the Commissioner on this; Madam Chairman, is that all right?

CHAIRPERSON FIELDS:

Absolutely.

LEG. CRECCA:

Commissioner, you have seen this bill and I just ask you to state your position on it, as the Commissioner of Health.

COMMISSIONER BRADLEY:

I'm in favor of this bill. I think that the herbal cigarettes should be treated the same as tobacco cigarettes. Maybe they don't have nicotine, they have carbon monoxide and other harmful substances, they're kind of a stepping stone, I think, for some people.

CHAIRPERSON FIELDS:

Okay, I will second that motion. All in favor? Opposed? **Approved (Vote: 5-0-0-0).**

Introductory Resolutions

1404-00 (P)- Establishing Legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health Services (Caracciolo).

LEG. CARACCILOLO:

Motion to approve.

CHAIRPERSON FIELDS:

I will second that.

LEG. CRECCA:

I'd ask -- I've read the bill, I just ask for an explanation, a brief explanation, only because I don't know -- according to this it's, I guess, 200 -- I mean, is there monies approved for this and how is it going to get paid for and all that?

LEG. CARACCILO:

Correct. Last year, well actually going back now about 18 months ago, the State and County conducted a joint Water Quality Monitoring Program to detect pesticides in groundwater. As a result of that study which was a BiCounty study, it wasn't just in Suffolk County, it identified that more than 50% of the samples collected, particularly those in the five east end towns where there's been heavy agricultural use over the years, have resulted in contaminated private wells. As a result, this assessment is going to be continued and after consultation with the Health Department, and in particular Vito Minei, and as a result of funding that I was successful in incorporating in this year's budget which is identified in the fifth WHEREAS clause, we have a \$100,000 available to increase and expedite current groundwater testing capabilities.

So in essence, what this resolution does is it enables the Department of Health Services to go out and waive fees to private homeowners who have -- residential homeowners who have private wells so that their domestic wells can be tested and possibly identified as being the source of contaminated groundwater and waiving the fees in doing so.

COMMISSIONER BRADLEY:

For those people who are at risk of contamination because of agriculture.

LEG. CARACCILO:

Correct.

COMMISSIONER BRADLEY:

Right, right.

LEG. CRECCA:

Are we keeping that data, Commissioner, too, that we collect at the private wells then?

COMMISSIONER BRADLEY:

Yes, yes, we have all that data.

LEG. CRECCA:

Okay. I think what -- you're saying only agriculture, but I think, and I'm overhearing you, I was thinking the same thing --

CHAIRPERSON FIELDS:

I wanted to just clarify that.

LEG. CRECCA:

The bill apparently does that for all private well testing, isn't it?

CHAIRPERSON FIELDS:

But Dr. Bradley didn't say that.

COMMISSIONER BRADLEY:

No.

LEG. CARACCILO:

No. The amount of funding involved would not permit us to do -- to go that -- to be that far reaching. This is, in essence, like a pilot program to help go into those areas where there is a heavy concentration from past agricultural use of pesticide in groundwater.

COMMISSIONER BRADLEY:

The study that we did with the DEC did not find contaminated wells of private homeowners because of private pesticide use, they found contamination in homes related to agriculture. So we are getting money from the DEC to go forward and expand that testing for those people at risk of contaminations from agriculture. Now, if there's someone who wants their water tested that's not associated with agriculture, they can access our water testing which is \$65, if there's a hardship we waive the fee based on income; so those people could still get their water tested but it is not free under this program.

CHAIRPERSON FIELDS:

May I ask one question? Do we have any idea how many Suffolk County residents have well waters, have wells?

LEG. CARACAPPA:

Sixty to 80,000.

LEG. CARACCIOLO:

Private wells?

CHAIRPERSON FIELDS:

Private wells.

LEG. CARACCIOLO:

I believe the number was six or 7,000 that have been --

COMMISSIONER BRADLEY:

No, those are people at risk.

LEG. CARACCIOLO:

That we know, that we suspect are contaminated.

COMMISSIONER BRADLEY:

Those are people that were suspecting they're at risk.

CHAIRPERSON FIELDS:

No, just that have wells, not at risk.

COMMISSIONER BRADLEY:

Probably about 60,000, I believe.

LEG. CARACCIOLO:

I think it is 60,000.

CHAIRPERSON FIELDS:

In other words, if Suffolk County Water Authority were to give us the number of everyone using their public water, how many would be left that are using private wells?

LEG. CARACCIOLO:

Madam Chair, the Commissioner is correct. The total figure of private wells in Suffolk County is about 60 to 65,000, and that's an estimate that Vito Minei did provide us and DEC.

LEG. CRECCA:

So this bill will address those ones at risk as a result of agriculture only.

COMMISSIONER BRADLEY:

Yes.

CHAIRPERSON FIELDS:

Only, right.

LEG. CARACCIOLO:

That's right.

COMMISSIONER BRADLEY:

The others could get the testing done through us, but it's 65.

LEG. CARACCIOLO:

Right.

COMMISSIONER BRADLEY:

And if you went to a private lab it's over a thousand for the testing that we do, so it's a real bargain to come through the County.

LEG. CARACCIOLO:

You should mention, Commissioner, as Vito mentioned to me, what the State is kicking in to this program.

COMMISSIONER BRADLEY:

One point six million over about three years, so they're funding us.

LEG. CARACCIOLO:

Right.

CHAIRPERSON FIELDS:

Just one other question, I may have missed if it came up. What are you testing for when you are testing these wells, is it only pesticides, or what components are we looking for?

COMMISSIONER BRADLEY:

I'm going to say with 90% assurety that it's mainly pesticides because that's what the problem was that was identified. But I don't want to say for sure, because it may just be our routine testing that we do since we're doing the testing anyway, but I have to verify that.

CHAIRPERSON FIELDS:

Could you just do me a favor and when that comes before us on Tuesday, could we just have some kind of --

COMMISSIONER BRADLEY:

What we're testing?

CHAIRPERSON FIELDS:

Yeah, just to let us know what it is that we are testing for.

COMMISSIONER BRADLEY:

Sure.

CHAIRPERSON FIELDS:

Thanks.

COMMISSIONER BRADLEY:

Do you want a list, or do you just want the types of chemicals; you want a list of everything?

CHAIRPERSON FIELDS:

I would love that, yeah. Thanks.

COMMISSIONER BRADLEY:

Okay, sure.

LEG. CRECCA:

I'm fine.

CHAIRPERSON FIELDS:

Okay. Did we have a motion?

LEG. CARACCIOLO:

Yes; I made the motion, you seconded it.

CHAIRPERSON FIELDS:

It's been a long time. All in favor? Opposed? **Carried (Vote: 5-0-0-0).**

1411-00 (P) - Accepting and appropriating additional 100% grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services to help refurbish and rehabilitate client related areas in contract agencies (County Executive).

LEG. CARACAPPA:

Motion.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

Legislator Caracappa, second by Legislator Foley. All in favor? Opposed? **Approved (Vote: 5-0-0-0).**

1413-00 (P) - Accepting and appropriating 98.1% Federal grant funds to the Department of Health Services from the New York State Department of Health, for the Children with Special Health Care Needs Program (County Executive).

LEG. FOLEY:

Motion.

LEG. CRECCA:

Second.

CHAIRPERSON FIELDS:

Motion by Legislator Foley, seconded by Legislator Crecca. In favor? Opposed? **Carried (Vote: 5-0-0-0).**

1414-00 (P) - Amending the Department of Health Services 2000 Adopted Budget to provide continued supportive case management programs in Suffolk County (County Executive). And I believe that's what we have all the back up for for all the different programs; was that what it was?

LEG. FOLEY:

Yes.

CHAIRPERSON FIELDS:

I'll make that motion and seconded by Legislator Crecca. All in favor? Opposed? **Carried (Vote: 5-0-0-0).**

1415-00 (P) - Amending the Department of Health Services adopted Budget to provide continued psychosocial

programs in Suffolk County (County Executive). I'll make the motion.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

Seconded by Legislator Foley. All in favor? Opposed? **Carried (Vote: 5-0-0-0).**

1421-00 (P) - Appropriating funds in connection with the Public & Environmental Health Laboratory equipment purchase (CP 4079) (County Executive).

LEG. CARACCILO:

Motion.

CHAIRPERSON FIELDS:

Motion by Legislator Caracciolo, seconded by the chair. All in favor? Opposed? **Carried (Vote: 5-0-0-0).**

1425-00 (P) - Adopting Local Law No. 2000, a Local Law to ban purchase of tobacco products by minors in Suffolk County (Fields). Obviously, I'll make the motion.

LEG. FOLEY:

Second.

LEG. CRECCA:

On the motion.

MR. SABATINO:

There's a public hearing, Madam Chair, so it's going to have to be tabled one cycle.

LEG. CRECCA:

I won't even ask the Commissioner now if you're going to -- are you going to appear at the public hearing, most likely, and testify?

COMMISSIONER BRADLEY:

Myself or another staff person will be there.

LEG. CRECCA:

I mean, I don't know if you want to share your comments with us today in case you're not there on this bill and your position.

LEG. CARACAPPA:

We had a public hearing.

LEG. FOLEY:

No, this is an Introductory Reso, so we have to table it.

CHAIRPERSON FIELDS:

So we have to table this- -

LEG. FOLEY:

Subject to the hearing.

CHAIRPERSON FIELDS:

Subject to the public hearing at the Legislative meeting.

LEG. FOLEY:

Second the motion to table.

COMMISSIONER BRADLEY:

Do you want me to go forward?

LEG. CRECCA:

Yeah. Madam Chairman, is it all right if the Commissioner speaks?

CHAIRPERSON FIELDS:

Certainly.

COMMISSIONER BRADLEY:

I have several concerns with the resolution. I haven't read this article that was handed out, but in general it is not known to be effective in terms of decreasing adolescents starting to smoke when we ticket them. There have been some anecdotal evidence that it may even increase smoking by adolescents because it's risky behavior and they see it as kind of exciting.

I think we need to educate kids, that's the way that we have to attack this. I have a major concern that we continue to market to kids, we continue to have vendors that sell to kids and we're going go and arrest the kids when they are smoking. You know, we're targeting them, the tobacco industry; maybe it's not doing billboards, maybe it's black and white, but they're still targeting kids as the smokers of the future. I think we have to increase our enforcement in terms of tobacco vendors, we have to strengthen the laws in terms of the bars within restaurants.

The second major concern I have with this is that Sanitarians would enforce this, and Sanitarians are not peace officers. We can go up to someone who appears to be a minor and say to them, "You're smoking and I want to give you a summons, what's your name", they could give me their real name, they could walk away from the Sanitarian; my Sanitarian can't do anything about that, they can call a Police Officer. So I don't think that we can enforce it. We do stings now in establishments. If purchasing tobacco products is illegal, I don't think we can continue doing stings with kids, so that causes a potential problem also.

If we summons a child for smoking, a minor for smoking, and we give them community service, what do we do when they don't come to the community service? We don't have those things in place. My staff is not trained in terms of giving tickets to individual people. They don't have training in terms of what to do if this happens, they don't have training to protect themselves. I think this is -- if it goes forward, it should be the Police that enforce this and not Sanitarians.

CHAIRPERSON FIELDS:

With the tobacco settlement money, would we not have the money to train them?

COMMISSIONER BRADLEY:

I have no money slated for that. And if the Police Officers are trained to give tickets to individuals, why would we want to do it with the Sanitarians; I'm confused about that, why would we do that?

CHAIRPERSON FIELDS:

Because it would become a criminal offense, I believe, to have Police Officers do it.

LEG. CRECCA:

Actually, but under our State law with the ABC Laws and all, the Police now summons minors who are using alcohol and all that, they issue them now. So they can issue violations for County Law, is my understanding, you know.

CHAIRPERSON FIELDS:

Well, let me defer to Counsel and ask what we would have to put into place to ask the Suffolk County Police Department to enforce this?

MR. SABATINO:

Well, there are three basic issues you have to deal with. Number one is that you'd have to convert it from a civil fine to a minor offense; it would be an offense as opposed to a civil fine because the Police don't enforce the civil fine. The second issue is -- it's a policy one, but it's a question of allocating resources. I mean, historically there's been, you know, a tendency to shy away from using the Police, you know, at that level of enforcement. And the third issue is one of, you know, consistency because all of the smoking legislation is currently enforced by the Health Department. It's not that you can't use the Police, it's just that at the threshold it was kind of breaking out of the normal mold. And you'd have to make some kind of a decision on how you want to deal with the penalty aspect of it, this one was constructed around the notion of a civil fine.

CHAIRPERSON FIELDS:

I will add that some patrolmen from the 1st Precinct in Babylon actually called and touted this as being the best thing that they had seen in quite a while, and I think that from the majority of Police that I have spoken to, they tend to agree with it. And I share some of your concerns, I just feel so strongly about this, you know. Again, just say no may have helped some people, but it certainly didn't stop people from doing things.

And education, you know, I have shared this with several people, I have a 22 year old son and a 21 year old son and have taught them equally and have worked for ten years in pulmonary medicine and my father died when I was 16 from Emphysema. So my family is well aware of the dangers and the feeling and the education, and yet my 21 year old smokes, so. And I share the example of the kids being able to have the cigarettes and still use them without it being illegal. So, you know, I think whatever it takes to make those kids accountable for their actions so that we can help them not be addicted. Legislator Caracciolo.

LEG. CARACCILO:

I would just point out that I think from an enforcement perspective, it would be -- this approach makes more sense than making it a criminal sanction. Certainly, children who are in the 5th and 6th grade, as we heard the Commissioner testify, that are taking up smoking, you don't want to get them into the system of some type of minor, even very minor criminal offender, I think that sends a very bad message, the wrong message.

However, in terms of staff that would be required in let's say the Health Department, would it have to be Sanitarians, could we create a new job title? You know, we did that when it came -- when we had to to grips with parking enforcement, you know, we realized that it wasn't cost effective to have Police Officers go around and issue summonses to parked vehicles in violation, we went to to privatization, if you will, or to meter maids.

I mean, I can see where in a town like Woodbridge, Illinois, which is 25,000 people, it's a lot different, it's a lot smaller, a lot more maneagable to maybe have the Police Department enforce a Local Law. In a County of 1.4 million people spread out over 900 square miles, it's a lot different. But in terms of resources to bring to bear to address this need, what can we collectively try to -- how can we collectively try to address the need with some type of job title? Maybe we have to create a job title. Maybe it takes us a little bit more to get this program off the ground, but let's do it and let's do it right and, most importantly, let's do it cost effectively.

LEG. CARACAPPA:

Motion to table.

COMMISSIONER BRADLEY:

I just don't know how a non peace officer would give a summons to somebody.

LEG. CARACCILO:

Well, maybe Counsel could help us with that.

COMMISSIONER BRADLEY:

I mean, a 12 year old girl, 14 year old goes up to him and asks, "What's your name, I'm going to give you a summons," and what if that 14 year old girl walks away, what if that 14 year old girl gives the wrong name? Would you give the right name to a plain clothes -- and most of my Sanitarians are men. I mean, how is this possibly going to work with a non peace officer; I am very confused, how would this work?

MR. SABATINO:

It's admittedly going to be difficult, but it's probably no more different, though, than the current enforcement that you have on the selling side of it which is that somebody goes into a store where there's an illegal sale taking place.

COMMISSIONER BRADLEY:

Right.

MR. SABATINO:

The only difference is that you are not dealing with a minor.

COMMISSIONER BRADLEY:

And we know who the person is, we know who is running that place, establishment. I don't know who these kids are. How can I do this? I don't think I can do this.

LEG. CRECCA:

Does it also -- and this is a question for Counsel, too. If a child was to get a summons, what rights does the child have, is there an administrative hearing that they can demand or plead guilty?

MR. SABATINO:

The Statute provides for a hearing, yeah.

LEG. CRECCA:

It does, okay. And do they have -- in other words, would a law guardian have to be appointed, in other words Counsel for the child, or no? I mean, I am asking this only because I don't know. You know my background. I know what happens over in Family Court and Criminal Court, but I don't know what happens in --

MR. SABATINO:

In a civil proceeding, a child would have the right to representation. You know, whether the parents provided for it or the person had a guardian, it would be fact specific, but the County wouldn't be petitioning anyone to have guardian appointed; I mean, personal responsibility flows back to the family. Admittedly, it's going to be difficult, I -- you know, when we were trying to structure the legislation, because we had worked on this even a year ago with different Legislators, there's this whole tug of war between going the Police versus the departmental approach. I mean, I'm not suggesting to you there's an easy answer. If the bill had been constructed with the Police, the Police would all be down here today saying why it shouldn't be a Police function and the obvious reasons would be cited. I'm not suggesting that I --

CHAIRPERSON FIELDS:

Can we create -- don't laugh -- the tobacco police and make it an actual position? And, you know, I would have to -- Legislator Caracciolo said before, maybe we'd be sending the message by making this a violation to young people, but I respectfully disagree with that. Because the message is if they smoke and become addicted they're going to die, if they -- and they cannot purchase those cigarettes or they cannot be sold those cigarettes because that's illegal. So we're already dealing with something that's illegal and to send a message that you're doing something that's not legal I think is the right thing to do and I think that we need to make people more accountable, young people, especially who continuously make decisions that are not good decisions until they are older and more experienced. But, you know, what would be the difficulty in creating a uniformed enforcement unit who's sole job would be maybe to not just enforce a law that makes it illegal for a child to possess tobacco, but they might even be the ones who are enforcing -- again, because it's been pointed

out to me that I'm taking the onus off the tobacco industry which I absolutely am not; I think, you know, we need to go after everyone and enforce it more. But what would be the difficulty in creating that unit?

MR. SABATINO:

Well, I guess the start of difficulty would be to come up with some definition of the scope of duties and responsibilities, then you have to get Civil Service to sign-off on what the title would be; that's a time consuming process. The resources obviously would be a budgetary function. I think the hardest part would probably be just to get something generated through the Civil Service System, that's going to probably chew up a year just based on experience.

At the risk of generating more controversy, I mean, there was another possibility out there and I kind of held it back because I don't want to, as I say, generate too much controversy.

LEG. CRECCA:

We like controversy.

CHAIRPERSON FIELDS:

Since when am I not involved in something that's not controversial?

MR. SABATINO:

Another long shot option, because these people do have the civil side as well as the criminal side, would be -- and they have County wide jurisdiction, would be to look at Deputy Sheriffs.

LEG. CARACCILO:

I thought of that.

MR. SABATINO:

For example, they do domestic orders of violence, they do a lot of civil stuff in terms of garnishing wages, things like that and they have County -- they're beyond the -- see, the other problem with the Police, just as a matter of factual things, which is why I tended not to go in that direction, is that the Police are limited to the five western towns and we're trying to do a County-wide program. So that would have also caused some difficulties from the implementation standpoint. The Deputy Sheriffs work because they're east end to west end, but that opens up another array of issues. But you're certainly free to look at it, it's an option.

LEG. CARACAPPA:

Madam chair?

CHAIRPERSON FIELDS:

Legislator Caracappa.

LEG. CARACAPPA:

Thanks. I would respectfully ask that this debate be reserved for a time after the public hearing, this way we can take input from the public and maybe mix it with ideas that you may be having or other members of this committee or the Legislature may be having in regards to fine tuning this bill, if that's what you see necessary. So I would ask that we reserve debate on the bill until after the public hearing.

CHAIRPERSON FIELDS:

Well, I agree that in saving time, that's probably a good idea, but I think this is probably the place to air all of the problems so that it could be maybe tweaked in some ways or altered.

LEG. CARACAPPA:

Right.

CHAIRPERSON FIELDS:

Does anybody else have any -- okay. So we had a motion, we had a second. All --

LEG. CRECCA:

Motion to table?

CHAIRPERSON FIELDS:

Motion to table. All in favor? Opposed? **Tabled (Vote: 5-0-0-0).**

1431-00 - Adopting Local Law No. 2000, a Charter Law formalizing notification procedures for Suffolk County Spraying and pesticide applications (Binder).

LEG. CARACAPPA:

Motion to defer.

CHAIRPERSON FIELDS:

Motion to defer by Legislator Caracappa.

LEG. CRECCA:

Second.

LEG. FOLEY:

On the motion.

CHAIRPERSON FIELDS:

Legislator Foley?

LEG. FOLEY:

Earlier I had made a motion to defer on another resolution, but since this resolution has an impact not only on the environment for the County but certainly on the health of the County, I would ask that we not defer to prime. And that we, in fact, have to right now make a motion to table subject to a public hearing, and then this committee would make it's own judgment on the resolution at the next committee meeting.

LEG. CARACAPPA:

I withdraw my motion due to the fact it needs a public hearing. Motion to table.

CHAIRPERSON FIELDS:

Legislator Caracappa, motion to table.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

Second the motion, Legislator Foley.

LEG. FOLEY:

Before we vote, can we have -- since Mr. Ninivaggi is here, could we have him step forward? Thank you, Dominick. Were you intending to appear at this afternoon's Public Works Committee meeting at all, or no?

MR. NINIVAGGI:

I wasn't.

LEG. FOLEY:

You weren't? Okay, then let me ask a couple of questions then. I read in the paper where New York City over the last month or so has been placing pellets and briquettes of Altercid in the catch basins and in other similar places along the roadways. Where do we stand with doing the same in Suffolk County?

MR. NINIVAGGI:

We're waiting for the State permits on that.

LEG. FOLEY:

But Dominick, at the last meeting you mentioned to me that for those catch basins that do not empty into a tributary, that are just stand alone catch basins with the basin, you know, underneath the road, that we already have the approval to place it in those particular catch basins.

MR. NINIVAGGI:

Well, we had them --

LEG. FOLEY:

Is that not true?

MR. NINIVAGGI:

For some of them but not throughout the whole County.

LEG. FOLEY:

I understand that, but at our last committee meeting you mentioned that we did have approval for those. And what I had suggested to you and to the department was to either work with the blueprints on the County roads and get the blueprints from the town engineers for the town roads so that we can start working on those catch basins that we know do not have any end point into the tributaries. So why are we waiting for the -- and I don't mean to be difficult, but the fact of the matter is you and I have been talking about this for three years. And I share your frustration with the State, but if in fact we already have the green light to do this for what I call the stand alone catch basins, why are we not undertaking that part of the equation?

MR. NINIVAGGI:

Well, it's not exactly the case that we have the approval for this. We have never --

LEG. FOLEY:

Well, that's what you said at the last committee meeting.

CHAIRPERSON FIELDS:

You did say that.

MR. NINIVAGGI:

I'm not sure exactly what I said in terms of the permitting. The permits for Altercid Pellets due to apparently an oversight -- is this on?

CHAIRPERSON FIELDS:

Can you switch, I think, microphones? That one's not operating accurately.

MR. NINIVAGGI:

How about that? A little better, okay.

LEG. FOLEY:

Thank you, Dominick.

MR. NINIVAGGI:

The permits for Altercid Pellets in catch basins did not apply County wide. I believe the Town of Islip, for instance, and Babylon was out of that permit, so we never had permits for those particular towns.

LEG. FOLEY:

Well, how about -- all right, let me be parochially; how about in my town, how about in my district?

MR. NINIVAGGI:

That's Islip.

LEG. FOLEY:

How about in Brookhaven Town?

MR. NINIVAGGI:

In Brookhaven? It's not clear on that.

LEG. FOLEY:

Well, it should be -- you know, again, I don't mean to be difficult, but I have reached my limit on this.

MR. NINIVAGGI:

Well, the other thing I can tell you --

LEG. FOLEY:

Please don't interrupt, I have some points to make, all right? If you say Islip, you say other towns, if you say it's not clear in Brookhaven, you would think that by this time after three years there would be some clarity on some parts of this issue. And whether it's Altercid or maybe there's some other compound that you can use to put into the basins and other things, you know, when are we going to start moving on this?

MR. NINIVAGGI:

Well, it's a little early for the other materials. We have never had permits for the 150 materials which is what you might want to put in right now. The other materials, you really have to wait --

LEG. FOLEY:

Have you made an application?

MR. NINIVAGGI:

Oh yes, we have an application in.

LEG. FOLEY:

When did we put the application in?

MR. NINIVAGGI:

I guess about two months ago.

LEG. FOLEY:

Two months ago, this is two months ago, you see?

MR. NINIVAGGI:

Well, we're waiting -- the DEC is continuing to fine tune its position on this. For instance, in New York City they have approved the Altercid Briquettes, the 150 day briquettes for catch basins that are part of the sewer system, but they are not approving them for the type of catch basin we have that discharges into groundwater. Now, I don't know whether they'll do something similar for us or not, the DEC has been reevaluating all those products. Fortunately, we're still early in the season for some of these long-term materials. I anxiously await their consideration on this. There has been a lot of public controversy over this, there's been a lot of misinformation, unfortunately, about these products.

LEG. FOLEY:

That's more in the spraying area, though. I don't think there's been any disagreement about pelletized or the briquettes being placed into the basins.

MR. NINIVAGGI:

Well, actually there has been a lot of media attention and these materials were falsely linked, and I emphasize the words false linked, with the lobster problem in the Long Island Sound; people who raised that issue did not apparently understand that those materials were not used in that area.

LEG. FOLEY:

Okay.

MR. NINIVAGGI:

Nonetheless, DEC is extremely responsive to those sorts of concerns and they are working on this issue. And until I hear from them, we have to use other materials and we can't do that as the summer progresses. Many of these materials, for instance, the bacterial products, you need to have larvae in there, you can't put them in as a preventative basis. But we certainly are out there and we will be addressing catch basins.

I should also point out that the towns, the DOT, all the various highway departments have been extremely cooperative in helping to identify their drainage areas and the areas that need attention. So

we have been reaching out to these various entities and they have been very cooperative.

CHAIRPERSON FIELDS:

Dominick, you said Islip Town doesn't allow us to do that?

MR. NINIVAGGI:

Yeah. The permits did not include Islip Town for the Altercid Pellets.

CHAIRPERSON FIELDS:

Why is that?

MR. NINIVAGGI:

It's not clear to me. I thought -- when we put in the permit application that was our intention. Last year, as a matter of fact, we went to do that and we reexamined the permit, and in part of the permit Islip Town was mentioned, in other parts not, and we were not able to get that changed. Right now we're operating under last year's permits waiting for this year's permits to come through.

CHAIRPERSON FIELDS:

Can you explain how you go about that?

MR. NINIVAGGI:

Okay. There is a -- permit applications go into the DEC, and this year they have also asked us to put in what's called a Negative Declaration, the full State Environmental Quality Review Act Process; as a matter of fact, our Negative Declaration should be published in the notices bulletin today. They have that has to be published, they can then go forward and issue the permits, especially for some of the new products like the 150 day briquette. And they are -- I am told that the permits are on their way and there's not going to be a problem. But again, I have seen -- I was very surprised with the action the DEC took in New York City, because if they were to treat us in the same way, we would not be allowed to put the 150 day product into essentially any of our catch basins.

LEG. FOLEY:

How about 30, how about 60?

MR. NINIVAGGI:

Excuse me?

LEG. FOLEY:

How about the 30 or the 60 day?

MR. NINIVAGGI:

Thirty day -- well, the pellets are approximately 30 day.

LEG. FOLEY:

Right.

MR. NINIVAGGI:

They tend to treat all the sustained release products in the same

way. So I don't know what they would do with the other sustained release, Altercid products.

LEG. FOLEY:

Have we asked them that question?

MR. NINIVAGGI:

Yeah. I have been in contact with them, they are deferring their decisions. And until such time as they are ready to make their decision, I have to wait for them.

LEG. FOLEY:

But their decision is -- through the Chair, their decision you're telling us is about this 150 day application.

MR. NINIVAGGI:

Yeah.

LEG. FOLEY:

What about the 30 or the 60 day?

MR. NINIVAGGI:

Well, there is a 30 day briquette which we did not ask for because there's a pellet that does about the same job, and we did put in for the pelleted application.

LEG. FOLEY:

All right.

MR. NINIVAGGI:

And that would be, as far as I can tell, treated the same way as the 150 briquette. So in both of those cases I have to get the approval from DEC.

LEG. FOLEY:

And again, those applications were submitted when to the DEC?

MR. NINIVAGGI:

I don't have the date, it's about a month and a half, two months ago.

LEG. FOLEY:

Pardon?

MR. NINIVAGGI:

It was a month and a half to two months ago, I don't have the dates of the application in front of me.

LEG. FOLEY:

Is there a reason, Dominick, why this was not submitted at the end of last year? Why did we submit it only two months ago?

MR. NINIVAGGI:

Well, for one thing, we were still working on the response plan and exactly what we were going to be doing. There were a lot of issues that we've been working on.

LEG. FOLEY:

Response plan for what, Dominick?

MR. NINIVAGGI:

For West Nile Virus.

LEG. FOLEY:

That's West Nile. But the issue with the briquettes goes back three years, so why did we put the application in only two months ago?

MR. NINIVAGGI:

We generally put our permit applications in a single time. The only thing I can say is that we've had a lot of things going on over the last six months, since Labor Day of last year.

LEG. FOLEY:

Okay.

CHAIRPERSON FIELDS:

I think what we might want to do here is write a letter to DEC asking for the answers to all these questions that Legislator Foley has been asking for several years and I guess have been going on in the committee.

LEG. CARACCILOLO:

Good luck.

LEG. FOLEY:

Yeah, right.

CHAIRPERSON FIELDS:

Well, we'll direct it to Ray Cowen and Chuck Hamilton; anyone else that you think that we might send it to?

MR. NINIVAGGI:

I guess those are the primary people.

CHAIRPERSON FIELDS:

Okay. We'll send it out.

LEG. FOLEY:

Thank you.

CHAIRPERSON FIELDS:

Thank you.

LEG. FOLEY:

We have to table it subject to a public hearing. Is there a public hearing on this, Counsel?

LEG. CARACCILOLO:

Yes, he said yes.

MR. SABATINO:

The public hearing is scheduled for the first time on May 9th.

LEG. FOLEY:

Okay. Motion to table.

CHAIRPERSON FIELDS:

Motion to table, second. All in favor? Opposed? **Tabled (Vote: 5-0-0-0).**

1432-00 - Authorizing the extension of a lease known as Coram Health Center located at 3600 Route 112, Coram, New York, for Suffolk County Department of Health Services and the Suffolk County Department of Social Services (County Executive).

LEG. CRECCA:

Motion to defer to prime. This was before Ways -- you were in Social Services, right, Mrs. Fields?

CHAIRPERSON FIELDS:

This was at Ways & Means and Social Services.

LEG. CRECCA:

And I think Social Services deferred to Ways & Means, I would ask that we do the same here given the concerns that were brought up regarding this.

LEG. CARACCILOLO:

What were the concerns?

LEG. CRECCA:

We could be here another two days on that.

LEG. CARACCILOLO:

Well, then I don't want to defer.

CHAIRPERSON FIELDS:

I'll give you a couple. One is that they wanted to know what the cost -- actually, I'm going to give this to Counsel because he probably has a much quicker synopsis.

MR. SABATINO:

I think the driving force behind the delay is Budget Review had expressed reservations. Last June in the Space Management Committee, the 3-1 vote to make the recommendation was conditioned upon a quick vote taking place in June or August of last year and the exploration of options including the possibility of building a facility across the street as an alternative to doing the lease. I think based on those concerns that were raised over a year ago, it was tabled in the committee to get the information.

LEG. CARACCILOLO:

I make a motion to table, Madam Chair.

LEG. FOLEY:

Just on the motion to table, and I will second the motion to table. This is going to engender a lot of discussion at the next Ways & Means, and perhaps we'll even have it here at the Health Committee since it's dealing with the health center. One of the other issues was that last year when there were other, let's say, competing submissions to the County for other sites for build-to-suits, those people who submitted those applications didn't hear for months on end on whether or not their

submissions were being reviewed. And there's a lot of questions that have to be answered about why it took so long to respond to some of the other build-to-suit submissions let's say. And the fact of the matter is that it's my understanding that at that particular Space Management meeting it was not brought to their attention at that time by the Executive Branch there were other, let's say, competing applications in the same area for a brand new, modern building to service both the health center clients as well as the social service clients. So this, to use a favorite term of the chair of the Ways & Means Committee, I think this resolution may -- should open up a Pandora's box of questions about the whole procedure.

And getting back to the fundamental point of why we as a County would want to continue extending a lease with one of the worst landlords, one of the most unresponsive landlords that we've ever had to deal with.

CHAIRPERSON FIELDS:

I would like to share some information with you, I shared it with Ways & Means. Last -- a little less than a week ago on a Friday morning, Legislator Towle and I took a ride out to this facility because I had heard some of these statements regarding that facility. And I probably couldn't have been much more shocked than I was to see the facility and to see the way we in the County are responding to it. It was filthy, it had graffiti all over the walls in the bathroom, there was a leaking faucet in one of the bathrooms that actually had stained the sink, so you know that it was leaking for quite a long time. There were ceiling tiles absent completely, there was a phone ripped completely out of the elevator, if someone were stuck they would have no way of communicating that, there was very poor signage in the Social Services portion of the building. I must say, the Department of Health was very good, the signage was good, it was neat, it was clean, but in the Social Services section it was not.

And one of the questions that was on the back up, and I don't know if it's in this back up, was that the owner of the building is also the Commissioner of Planning for Sands Point in Nassau County.

LEG. CARACCILO:

Yes, it's in there.

CHAIRPERSON FIELDS:

But beyond that, they had had some difficulties with that.

LEG. FOLEY:

He lives in Sands Point?

CHAIRPERSON FIELDS:

It says the title of the employee is -- his name is Michael Fontillo, Chairman of the Planning Board, non paying position, in the Village of Sands Point, Nassau County. But they did say also in the back up that he was not a very cooperative landlord, and I think that the infrastructure was questioned in that building. And so those are some of the reasons why I think, in addition to what our Counsel has offered, that were part of those meetings.

LEG. FOLEY:

Motion to table.

CHAIRPERSON FIELDS:

Motion to table, second by Legislator Caracciolo. All in favor? Opposed? **Tabled (Vote: 5-0-0-0).**

1451-00 (P) - Directing the County Department of Public Works to test pesticide alternatives to control adult mosquito population (Cooper).

LEG. CRECCA:

Motion to table.

LEG. CARACAPPA:

Second.

CHAIRPERSON FIELDS:

Second by --

LEG. CARACCILO:

On the motion.

CHAIRPERSON FIELDS:

Okay.

LEG. CARACCILO:

While Dominick is here, have you had an opportunity to familiarize yourself with the resolution and applications that would be prescribed or piloted under this initiative?

MR. NINIVAGGI:

Yes, I have had a chance to look at this. And actually, this resolution gave me an opportunity to take another look at some of the things that are proposed. Since Garlic and Citric Oil are specifically mentioned, I decided to look into that in terms of what do we know about the effectiveness of these products and even the legality of whether they would be used.

I heard from the EPA on this, as well as from the Centers for Disease Control and from Rutgers University. From EPA, their standpoint was that these materials -- Citric Oil would be a pesticide and they were not aware of any products registered for mosquito control. Garlic products would have to not be -- they would consider any labeling of a garlic product to control mosquito borne disease as being a fraudulent and misleading label. So I would be very concerned about attempting to use a garlic product for control and prevention of West Nile Virus after the EPA tells me that such a use could be considered fraudulent and misleading.

Dr. Chester Moore from the Centers for Disease Control had written back to me and said that essentially these are not viable options at this time for virus prevention. I spoke -- I e-mailed to Dr. Wayne Kranz At Rutgers University who is certainly one of the world's leading experts on this matter, and he described to me an experiment he did with the garlic product, it turns out the one you see in Home Depot, and he found no evidence that it prevented mosquito biting. And that's one of the things that needs also to be understood, that garlic and citric oil at best would be considered to be repellents and repellents is not what we're looking for when we're responding to virus activity, we're looking to kill the mosquito.

CHAIRPERSON FIELDS:

Can I just interrupt with a question? Are you looking at all the alternatives?

MR. NINIVAGGI:

We always look --

CHAIRPERSON FIELDS:

I don't know that we need to hear each one that doesn't work out.

MR. NINIVAGGI:

Yeah, okay. We always look at all the alternatives. And what I can tell you is that the things that are specifically mentioned in the bill, there's no evidence that they would be effective, same thing for some of these traps. They are far from approving technology. And I think one of the things that we need to understand is that vector control is not a research organization and it's really not our roll to test products on behalf of the manufacturers. When manufacturers register pesticides, they spend millions of dollars to demonstrate to the EPA that their products work. On the mosquito traps, like the mosquito magnet, the U.S. Department of Agriculture is evaluating these things. The staff that would be involved in evaluating these things is the exact same staff that would be involved in west nile virus surveillance. Given the extremely low likelihood that any of these things would be of any use to us at all, I can't honestly recommend taking staff away from something as important as west nile virus surveillance and putting them on the job of evaluating these things when the manufacturer should be evaluating them.

LEG. FOLEY:

Madam --

LEG. CARACCIOLO:

Dominick, just real quick. Have we, as a result of our monitoring program, seen any evidence of any mosquito infestation in the County anywhere? Not just those carrying west nile, but --

COMMISSIONER BRADLEY:

We do the surveillance, it's probably more appropriate for me to answer; no. The counts are starting to come up now, so we're really in the beginnings of starting to collect. We rarely see any viral activity this early in the season, so it's not unusual that we haven't seen anything yet. But we haven't and we've been sending a small number of birds up, so far nothing has come back positive. We get a lot of bird reports, dead bird reports, most of them are old birds that have been around for a while that can't be tested, and right now the State is really only concentrating on crows. We sent probably a handful of birds up, nothing is positive yet, no mosquitoes yet.

LEG. CARACCIOLO:

Okay. Just real quickly because I have to leave. In terms of the criteria we use for dead crows --

COMMISSIONER BRADLEY:

It's the State's criteria on what birds they will test. Right now they will only test crows. If we have something that we're suspicious about, I know we can get them to test it, we don't have anything yet. And it has to be collected within 24-hours of death, otherwise they can't test it. So some people say there's been a bird, it was there for three days, we can't do anything about it. We're noting the address just so in case something happens we'll have it as a record, but we can't submit it for testing.

LEG. CARACCIOLO:

Okay. I just wonder, how do you determine if a bird has been there 24-hours or more?

COMMISSIONER BRADLEY:

Well, sometimes it will be that they have seen it three days ago and they decided to all now.

LEG. CARACCIOLO:

Right.

COMMISSIONER BRADLEY:

Otherwise, they will say what the bird looks like and we can tell.

LEG. CARACCIOLO:

Okay.

COMMISSIONER BRADLEY:

And the other is if we go and see the bird and say this bird has been dead for weeks, we can't do anything.

LEG. CARACCIOLO:

Okay. Thank you.

MR. NINIVAGGI:

As far as mosquito activity, what I should mention is that we have been out visiting mosquito breeding areas when we're finding breeding, we are treating them with bacterial products right now. And as a matter of fact, we had been doing aerial treatment of some of our salt marshes already, so we're already looking for mosquito breeding and treating it where we find it. So we're already on the preventative treatment part of the program.

LEG. FOLEY:

What kind of aerial spraying are you doing? You said you were doing aerial spraying.

MR. NINIVAGGI:

Yeah. Our standard weekly survey of salt marshes and, if necessary, treating them. These last two weeks we have used BTI, the bacterial product, as the weather warms up we'll start to use Altecide, the insect growth regulator.

LEG. FOLEY:

Okay.

MR. NINIVAGGI:

That's our preventative work.

LEG. FOLEY:

Just through the Chair. Dominick, if you look at the corrected copy of the resolution --

MR. NINIVAGGI:

Yeah, I see the corrected copy doesn't have garlic and citric oil anymore.

LEG. FOLEY:

Right. So your points are well taken and perhaps the sponsor of the bill anticipated that. And if you look at the last RESOLVED, clause it leaves a lot of leeway to the department. It just simply says that, "The Vector Control Plan of Work for the Year 2000 is hereby modified to include pilot programs to be instituted by the County Department of Public Works to test the effectiveness of non chemical alternatives to pesticides to control the mosquito population." So it leaves great -- I say through the Chair that it leaves great latitude to Vector Control to undertake a pilot program in a variety of ways that would look at a number of different alternatives. So it doesn't, if you will, straight jacket you or direct you or force you to look at this particular product or that particular product, but I think in the more generic sense it's requesting that the plan will be amended so that pilot programs will be included to look at other alternatives.

MR. NINIVAGGI:

Well, I think you have to understand --

LEG. FOLEY:

And I personally don't see the harm in that.

MR. NINIVAGGI:

Well, what I could -- in terms of it's a resource allocation issue. To do any kind of pilot study that has any kind of scientific meaning is not a trivial exercise, it's not something you do, you put a trap out and you give it a look of day. It's a serious sampling issue, it's a great deal of time and effort on the part of the laboratory program, and it's not something that's a simple, easy, lightly undertaken thing if it's going to have any scientific bearing at all. And this is why scientific organizations like the U.S. Department of Agriculture work on these sorts of things or universities.

LEG. FOLEY:

We don't do any kind of pilot programs as we speak.

MR. NINIVAGGI:

No. What we do, if we have a new technique, we bring a new technique into the program when it's extremely well proven in other districts, you know, when we have a real high confidence it's going to work, where we're so confident that basically all we need to do is make sure we're doing it correctly and we know it's going to work; for instance, when we introduced Altecide or Vectorlex into the program. These kinds of things are nowhere near at the point where it's a simple matter to see if they work or not, there's extensive sampling involved. And again, when we're dealing with West Nile Virus this year, I really would not want to divert the resources that it takes to do this sort of thing. They're very, very heavily taxed in the lab, very, very heavily taxed.

CHAIRPERSON FIELDS:

Let me just ask one question to you, Dominick. This has been something we have been bringing up every single month about Malathion, and recently we read -- I think the first meeting we brought up the fact that Nassau County actually states they do not use Malathion, and then we had this task force and it was maybe a month ago that New York City announced that they will not be using Malathion. How are we responding to the fact that all of our neighbors are not going to be using Malathion, probably with good reason, because of the potential reclassification by the EPA; how do we respond to everyone else not using Malathion and us continuing to use that as a potential?

MR. NINIVAGGI:

Well, one of the things is New York City -- it turns out that they put out bids for aerial contractors to apply Malathion and no bidders came back for that, that probably influenced their decision considerably. Malathion --

CHAIRPERSON FIELDS:

Would it not be influenced by the fact that EPA is reclassifying that also?

MR. NINIVAGGI:

We do not know what EPA will do one way or the other.

CHAIRPERSON FIELDS:

No. But, I mean, would that not have been part of their decision, do you think?

MR. NINIVAGGI:

That was their stated position. We should bear in mind that other areas, for instance New Jersey, uses this material extensively. We used about 180 gallons of Malathion last year for our aerial spray. There are individual counties in Florida that use eight to 10,000 gallons a year.

CHAIRPERSON FIELDS:

That doesn't make it right. That's what they're proving, that it's not the choice to be using.

MR. NINIVAGGI:

Well, we're well in the mainstream on this. But we'll continue to evaluate and see what EPA has to say.

CHAIRPERSON FIELDS:

Okay.

COMMISSIONER BRADLEY:

EPA's reevaluation has been going on since '96. Malathion was the least toxic of any of them, so they moved it up to the top for various reasons. They may reclassify it, they may not. They may -- I think, if anything, the suspicion is that it may be a possible carcinogen; Anvil is a possible carcinogen. We have about four pesticides that we can use. We look at all of those toxicities. If you look at Anvil in terms of toxicity, it's very comparable to the other three or four that we have right now. To us it looks very similar, we don't see a huge difference.

CHAIRPERSON FIELDS:

I think that the reason that I'm bringing this up is obviously the bill has been put in because of neighboring counties and the discussion all over that people are very concerned and very worried about what any of the chemicals do. And that, you know, in Suffolk County we think about alternatives and at least aggressively go after trying to use something that we think is going to help and not hurt our public.

COMMISSIONER BRADLEY:

And I think that's good to look at alternatives. But I think it might be nice to petition those people that do these studies to have them consider them. Because I share his concerns about how is he going to do a trial, he's not equipped. You know, I

think it would be nice if USDA or DEC or some of these others that really do research, let them -- you know, let them know that we want them to look at alternatives that may be effective in terms of mosquito control.

LEG. FOLEY:

It's a very good point. I think what we would need, through the Commissioner or through Dominick, are the contact people within USDA and the other appropriate agencies so that we can make those kinds of requests.

CHAIRPERSON FIELDS:

Do we have a motion?

LEG. FOLEY:

There is a motion to table. Although, Madam Chair, we lack a quorum at this point. Well, I think Joe Caracappa is here. There is a motion to table.

CHAIRPERSON FIELDS:

What do you want to do with this?

LEG. CARACAPPA:

I maintain my motion to table.

LEG. FOLEY:

Considering the fact that one of the three remaining committee members favors a tabling motion, therefore there's not enough votes to vote it out of committee, I will for this committee meeting second the motion to table.

CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

Until I speak with the sponsor of the bill to see what he would like to do at the follow-up committee meeting.

CHAIRPERSON FIELDS:

Okay. All in favor? Opposed? **Carries to table (Vote: 3-0-0-2 Not Present: Legislators Caracciolo & Crecca).**

Introductory Sense Resolutions

Sense 49-2000 - Memorializing Sense Resolution requesting the New York State Senate to approve Senate Bills regarding Health Maintenance Organization (HMO) Reforms (Guldi).

LEG. FOLEY:

Motion.

CHAIRPERSON FIELDS:

Second. All in favor? Opposed? **Carried (Vote: 3-0-0-2 Not Present: Legislators Caracciolo & Crecca).**

Sense 50-2000 - Memorializing Sense Resolution requesting the New York State Senate to approve Senate Bill S06772 directing the production of an all-inclusive Statewide Cancer Incidence Map (Guldi).

LEG. FOLEY:

Motion.

CHAIRPERSON FIELDS:

Second. All in favor? Opposed? **Carried (Vote: 3-0-0-2 Not Present: Legislators Caracciolo & Crecca).**

Sense 51-2000 - Memorializing Sense Resolution to discourage medical coverage companies from pulling out of the

East End (Caracciolo). I will make the motion.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? **Carried (Vote: 3-0-0-2 Not Present: Legislators Caracciolo & Crecca).**

Motion to adjourn. All in favor? Opposed? We are adjourned.

(*The meeting was adjourned at 11:46 A.M.*)

**Legislator Ginny Fields, Chairperson
Health Committee**

- Denotes Spelled Phonetically